

MASSACHUSETTS  
40 main st, suite 301  
florence, ma 01062  
tel 413.585.1533  
fax 413.585.8904

WASHINGTON  
1025 connecticut ave nw, suite 1110  
washington, dc 20036  
tel 202.265.1490  
fax 202.265.1489



August 9, 2012

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

*Via Electronic Filing*

**Re: MB Dkt 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996**

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission’s rules, Free Press submits this notice regarding an *ex parte* communication in the above referenced proceeding.

On August 7, 2012, Derek Turner, Research Director, and Corie Wright, Senior Policy Counsel, met with Holly Saurer, acting Legal Advisor for Media Issues for Commissioner Jessica Rosenworcel. The subject of the meeting was the Commission’s Quadrennial Media Ownership Review and the continuing difficulties in assessing broadcast ownership levels among women and people of color based on the FCC’s ownership reporting Form 323. The FCC has yet to issue a complete census of broadcast ownership diversity. Nor has it analyzed the impact of proposed media ownership rules changes on opportunities for women and people of color to become broadcast owners or to sustain existing businesses in light of increasing consolidation in the industry.

Free Press emphasized that the holding of *Prometheus II* requires the FCC to evaluate the impact of its media ownership rules on ownership opportunities for women and people of color and to promote ownership diversity in the broadcast services. The *Prometheus II* decision made clear that, on remand, FCC should evaluate broadcast ownership diversity levels and assess the impact of proposed media ownership rules changes on diversity “within the course of the Commission’s 2010 Quadrennial Review.”<sup>1</sup> The court also made clear that it expected the Commission to remedy its minority ownership data deficiencies as part of “lay[ing] necessary groundwork for the Commission’s actions on remand.”<sup>2</sup>

Free Press expressed frustration and concern that the FCC has yet to provide a complete tally of minority and female ownership in the broadcast radio and television services even though it has

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<sup>1</sup> *Prometheus Radio Project v. F.C.C.*, 652 F.3d 431, 472 (3d. Cir. 2011).

<sup>2</sup> *Id.* at 471.

been over seven months since the FCC proposed to relax its media ownership rules<sup>3</sup> and over two years since the Commission adopted reforms to Form 323 which were supposed to attend to the minority ownership data defects that Free Press uncovered during the 2006 Quadrennial Media Ownership review.<sup>4</sup> Nor do any of the 11 studies commissioned by the FCC for the 2010 Quadrennial Review address the causal factors or market structures that might promote or impede ownership of broadcast outlets by women and people of color.

Failure to conduct these analyses is not consistent with reasoned policy or data-driven decision making. It is also expressly contrary to the court's directive in *Prometheus II*. To this end, Free Press urged prompt reconciliation of these data issues, and stated that on no account should the Commission move to relax its media ownership rules until it has conducted the diversity analyses required by the court on remand.

In accordance with the Commission's rules this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Corie Wright  
Senior Policy Counsel  
Free Press  
202-265-1490

Cc: Holly Saurer

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<sup>3</sup> 2010 Quadrennial Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Notice of Proposed Rulemaking, MB Dkt No. 09-182, FCC 11-186 (Dec. 22, 2011).

<sup>4</sup> See Comments of Free Press, filed MB Dkt 06-121 (Oct. 1, 2007). See also S. Derek Turner, *Out of the Picture 2007: Minority & Female TV Station Ownership in the United States* (2007); S. Derek Turner, *Off the Dial: Female and Minority Radio Station Ownership in the United States* (2007).